

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joelle Sfeir	Team: Team # 6	CCRB Case #: 200402328	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/12/2004 6:30 PM	Location of Incident: § 87(2)(b)	Precinct: 105	18 Mo. SOL 9/12/2005	EO SOL 9/12/2005	
Date/Time CV Reported Sat, 03/13/2004 12:17 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 03/13/2004 12:17 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Edmonds	04823	930090	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Randolff Pinard	21091	930961	105 PCT
2. SGT Christophe Giordano	03615	915801	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Edmonds	Force: PO Michael Edmonds used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Michael Edmonds	Abuse: PO Michael Edmonds issued a summons to § 87(2)(b)	§ 87(2)(b)

### Synopsis

On March 12, 2004, in the process of conducting a car stop, PO Michael Edmonds and PO Randolff Pinard blocked § 87(2)(b)'s driveway with their RMP. § 87(2)(b) asked the officers to move their vehicle so that he could exit his driveway to pick up his children from school. The officers informed § 87(2)(b) that he would have to wait. As he waited, § 87(2)(b) became increasingly agitated and became engaged in a heated discussion with PO Edmonds. § 87(2)(b) alleges that PO Edmonds grabbed him, pushing him against a nearby fence. Sergeant Giordano responded to the scene, and § 87(2)(b) was issued a disorderly conduct summons. Two neighbors who witnessed the event provided statements supporting § 87(2)(b)'s allegation against PO Edmonds. Both officers admit that PO Edmonds "put" § 87(2)(b)'s hands down. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) This case was reassigned to the current investigator on August 8, 2004 after Investigator Mullins left the agency.

### Summary of Complaint

§ 87(2)(b) called the CCRB on March 13, 2004; his initial complaint was consistent with his more detailed CCRB statement on April 1, 2004 (enc. 4D). On March 12, 2004, at approximately 6:15PM, § 87(2)(b) returned home to § 87(2)(b) in Springfield Gardens, New York from work. Once home, § 87(2)(b) needed to immediately leave to pick up his children from school. On this particular day § 87(2)(b)'s daughter's teacher had called him to let him know his daughter was ill. § 87(2)(b) had taken public transportation to travel to and from work, but needed to use his car to pick up his children. When § 87(2)(b) walked over to his vehicle he noticed that a marked police car was blocking his driveway. Two police officers, later identified as PO Michael Edmonds and PO Randolff Pinard, were standing nearby between the RMP and another vehicle, which had stopped in front of the RMP apparently at the officers' request. § 87(2)(b) went up to the two officers and asked them to move their police car so that he could get out. The officers ignored him at first and § 87(2)(b) asked them to move again. PO Edmonds told § 87(2)(b) "Go sit in your car and shut up!" § 87(2)(b) told the officer that he was not going to do anything. § 87(2)(b) moved away from the officers and walked towards his home while remaining in the driveway. § 87(2)(b) waited ten minutes, until approximately 6:30PM, and then walked over to the officers, again asking them to move their vehicle. PO Pinard replied, "We're conducting police business," and PO Edmonds told § 87(2)(b) to "shut up" again. § 87(2)(b) moved away from the officers for a few minutes but stayed within 20-25 feet of them. § 87(2)(b) walked a little closer and asked the officers, "Is it fair for one to be blocked in like this?" PO Edmonds responded, "What's your problem?"

§ 87(2)(b) informed the officers that he was being shown a lack of respect. PO Edmonds walked right up to § 87(2)(b) stood chest to chest with him, and told him to keep quiet. § 87(2)(b) told PO Edmonds that he was standing on his property and in his face. PO Edmonds told § 87(2)(b) to keep quiet again. § 87(2)(b) said, "No. I'm on my property, and I am not doing anything." PO Edmonds suddenly grabbed § 87(2)(b)'s collar and threw him against the fence that separates his home and his neighbor's home. PO Pinard came over to § 87(2)(b) and PO Edmonds. § 87(2)(b) had his hands up, palms facing forward, and kept them in front of him to let the officers know he was not going to struggle. PO Edmonds grabbed one of § 87(2)(b)'s arms and twisted it behind his back. § 87(2)(b) told PO Edmonds, "Isn't it funny that you are doing this on my property?" PO Edmonds then walked away, and § 87(2)(b) followed him. PO Edmonds stopped, turned around, and asked § 87(2)(b) for his license. § 87(2)(b) handed PO Edmonds his driver's license. PO Edmonds then issued § 87(2)(b) a summons for disorderly conduct.

Several of § 87(2)(b)'s neighbors had exited their houses and were gathered around, some standing on their lawns and porches. § 87(2)(b) lives in the house to the left of § 87(2)(b)'s home, and he witnessed most of the incident. § 87(2)(b)'s mother, § 87(2)(b) witnessed most of the incident as well and called the police at this time, though § 87(2)(b) learned this after the incident.



identified as PO Edmonds and PO Pinard, were standing outside near their vehicle. § 87(2)(b) did not recognize these particular officers.

§ 87(2)(b) saw § 87(2)(b) exit his house and ask one of the officers to move the vehicle so that he could exit his driveway because he was late to pick up his children. The officer told him to wait; § 87(2)(b) walked backed into his house and waited for some time. § 87(2)(b) was unsure how many minutes later, but eventually § 87(2)(b) came out of his house and again asked the officers to move their vehicle. As the conversation between § 87(2)(b) and the officers escalated, their voices began to increase in volume. § 87(2)(b) informed the officers that he was aware of his rights as a citizen and all he wanted was for them to move their vehicle. § 87(2)(b) was standing in his driveway, and the officers were standing in front of his fencing on the sidewalk. The officers asked § 87(2)(b) to come closer so that they could speak with him. As § 87(2)(b) approached, PO Edmonds grabbed § 87(2)(b) with two hands and pushed him up against the outside of his fence. § 87(2)(b) explained § 87(2)(b)'s home is surrounded by brick and iron fencing. § 87(2)(b) asked the officers why they were harassing him. § 87(2)(b) did not struggle, and once PO Edmonds let him go, he returned to his house. Prior to this, the officers and § 87(2)(b) had no physical interaction and were merely talking. § 87(2)(b) was not acting threatening towards the officers.

When § 87(2)(b) came outside again, he brought a camera and took some pictures of the police car blocking his driveway. While standing in his driveway, § 87(2)(b) asked PO Edmonds for his badge number. § 87(2)(b) stated that she does not think the officer provided the information at that point, so § 87(2)(b) reiterated that he was aware of his rights. § 87(2)(b) believes § 87(2)(b) received a summons some time after the officer pushed him but cannot recall how long after. She also said that at one point, § 87(2)(b) had gotten in his vehicle and began to back out, assuming that the officers would move their vehicle.

The officers walked up § 87(2)(b)'s driveway. § 87(2)(b) told the officers that he was on his own property, and he just wanted the officers to leave and leave him alone. § 87(2)(b) stated that the officers were becoming more aggressive towards § 87(2)(b) as the conversation progressed. § 87(2)(b) went back into his home, brought out his telephone, and called the precinct. By this point, it was growing darker, and § 87(2)(b) had stepped out of her house so that she could have a clear view of § 87(2)(b)'s property and what was occurring. § 87(2)(b) waited outside on his driveway to wait for a supervisor to arrive. One of the officers attempted to speak again with § 87(2)(b) but § 87(2)(b) did not respond.

In response to § 87(2)(b)'s call, a supervisor, later identified as Sgt. Giordano, arrived at the scene. § 87(2)(b) believes that two or three additional police cars arrived. Sgt. Giordano tried to address the situation and spoke with § 87(2)(b). § 87(2)(b) said more neighbors, having seen all the lights, had come outside to investigate. Approximately 10-20 neighbors were outside observing, some standing on the side same side of the street as § 87(2)(b)'s house and some were on the opposite side of the street. She remembers some people saying that they saw the whole incident and that the officers had been "a little bit nasty." She further noted that § 87(2)(b)'s next store neighbor was outside during the event and had probably witnessed it in more detail than she was able to. In § 87(2)(b)'s opinion, § 87(2)(b) was being harassed by the officers for requesting that they move his vehicle.

§ 87(2)(b)

§ 87(2)(b) was interviewed in front of his home at § 87(2)(b) on August 25, 2004 (enc. 6B). He stated that on March 12, 2004 at approximately 6:30 PM, he pulled into his driveway, which is next to § 87(2)(b)'s, and observed § 87(2)(b) walk out of his home. § 87(2)(b) stated that the police had stopped a car at the corner of the street near the stop sign and that their vehicle was blocking § 87(2)(b)'s side of the driveway.

§ 87(2)(b) asked the officers, later identified as PO Edmonds and PO Pinard, if they could move their vehicle to allow him to pull out of his driveway. He explained that he had to pick up his children from school. PO Pinard told § 87(2)(b) that he had to wait, and § 87(2)(b) responded that they were blocking his driveway and that he has the right to get out of his driveway whenever he wants. PO Pinard

again told § 87(2)(b) that he would have to wait. § 87(2)(b) continued to request that the officers just pull around the corner, so he could get out. § 87(2)(b) was asking politely and not yelling.

At that point PO Edmonds, who had been standing by the vehicle attempting to run the driver's license, approached. PO Edmonds walked up § 87(2)(b)'s driveway and requested § 87(2)(b)'s license. § 87(2)(b) at first refused and asked the officer to leave his property. PO Edmonds stepped back slightly. PO Edmonds and § 87(2)(b) continued speaking, and § 87(2)(b) had his head turned to the side, away from the officer. They were standing several feet apart, and up to this moment no physical contact had taken place. § 87(2)(b) used his hands as he spoke and gestured, but he was not close to the officer. PO Edmonds grabbed § 87(2)(b) by his shirt and slammed him against the outside of the fencing. § 87(2)(b) immediately put both hands up in the air to show that he did not have anything in his hands and that he was not fighting. PO Edmonds was yelling at § 87(2)(b) and told him to stop shouting, to which § 87(2)(b) replied, "I have the right to talk." PO Edmonds released § 87(2)(b) and § 87(2)(b) walked away. PO Edmonds started to follow § 87(2)(b) up the driveway. § 87(2)(b) gave PO Edmonds his license, and PO Edmonds issued § 87(2)(b) a summons.

§ 87(2)(b)'s mother, § 87(2)(b) saw from the upstairs window of their house what was happening and called 911. A supervisor, later identified as Sgt. Giordano, responded to determine what had occurred. The vehicle that the officers originally stopped left at some point, but § 87(2)(b) cannot recall when. He only knows that it was gone by the time the supervisor arrived. § 87(2)(b) stated that there were 6-7 people outside though he does not know who. He thinks they probably live in the neighborhood. The people were standing on the sidewalk near § 87(2)(b)'s side of the driveway and talking among themselves. At one point PO Pinard asked § 87(2)(b) to move and asked who he was. § 87(2)(b) responded that he lived there and remained where he was. The officer just ignored him after that, and § 87(2)(b) does not remember the officers speaking to any one else. § 87(2)(b) further stated that the group of people was not threatening the officers in any way.

§ 87(2)(b)

§ 87(2)(b) called 911 on March 12, 2004 to report that the police were blocking her neighbor's driveway and that they were arguing. § 87(2)(b) was visited at her home on August 25, 2004; however, she refused to provide a statement at this time. § 87(2)(b) was tired and had just arrived home from work. When her son was interviewed at their residence later that same day, § 87(2)(b) though apologetic, still declined to provide a statement. On October 8, 2004 during a canvass, the investigator again stopped by § 87(2)(b)'s home, but the man who answered the door stated that § 87(2)(b) had recently undergone surgery and was unavailable.

§ 87(2)(b)

§ 87(2)(b) was not home, but a business card was left at his address. When contacted, § 87(2)(b) clarified that § 87(2)(b) was not present on the scene until after the sergeant arrived.

#### **Unknown Hispanic Male:**

Sgt. Giordano stated that he spoke with a light-skinned Hispanic male about 5 feet 10 inches tall and 200 lbs. with a shaved head and a thin beard. He did not have a name or phone number for this man, who preferred to remain anonymous. Sgt. Giordano only knew that the man worked at a store near the corner and was on his way home. A field trip was conducted in attempt to locate this witness. The investigator went into nearby businesses from 224th to 227th Street, including *Drive-in Cleaners*, *Bowrey Pharmacy*, *Key Food*, *Laurelton Cards and Gifts*, *Sammy's #1 Pizza*, *Jesus's Deli and Grocery*, but the witness was not located. § 87(2)(g)

§ 87(2)(b) In addition, § 87(2)(b) stated that he did not know of anyone matching that description. This witness could not be identified and, therefore, was not interviewed.

#### **Unknown Female Driver:**

The woman who PO Edmonds and PO Pinard had originally stopped was eventually released without a summons. Her identity is unknown, and, therefore, she was never interviewed.

#### **Other Civilian Witnesses:**

On October 8, 2004, a canvass of the neighborhood was conducted. The investigators spoke with people who were standing outside and went to houses in the area, including § 87(2)(b). However, none of the other neighbors had witnessed the incident until after the sergeant responded and the alleged force had already occurred.

#### Officer Statements

##### **PO Michael Edmonds:**

§ 87(2)(g)  
On March 13, 2004, PO Edmonds, who has been with the NYPD for two years, wrote § 87(2)(b) a summons for disorderly conduct and threatening behavior (enc. 7E). PO Edmonds also filled out a stop and frisk report for the incident (enc. 7F). The stop and frisk report stated that § 87(2)(b) was stopped for a suspicious bulge/object, furtive movement, and actions indicative of engaging in violent crimes. Hands on suspect was listed as the physical force used, and § 87(2)(b) was frisked due to a suspicious bulge/object. § 87(2)(b) was not searched and no weapons or contraband were found.

PO Edmonds was interviewed at the CCRB on May 25, 2004 (enc. 4H). On March 13, 2004, PO Edmonds worked a 1400 x 2235 tour, assigned to a response team with PO Pinard. PO Edmonds was dressed in uniform and was assigned to RMP #1733.

PO Edmonds pulled over his vehicle to stop a female motorist on the corner of § 87(2)(b) for failure to stop at a stop sign. When PO Edmonds exited his RMP and asked for the motorist's paperwork, he heard a horn honking somewhere behind him. PO Edmonds turned to see a man screaming and cursing, saying that the cops "always do this." At the time, the police vehicle was partially blocking § 87(2)(b)'s driveway. § 87(2)(b) mentioned something about having to pick up his children. While PO Edmonds took the motorist's paperwork, PO Pinard gestured to § 87(2)(b) to wait a minute. § 87(2)(b) got in his car and started honking his horn after PO Pinard told him to wait. PO Pinard told § 87(2)(b) that he was conducting a car stop and that he needed to wait. § 87(2)(b) would not settle down so PO Pinard left PO Edmonds and walked over to § 87(2)(b) who was standing at the edge of his property. § 87(2)(b)'s house was 15-20 feet away from the corner where the officers had stopped the motorist.

PO Edmonds wanted to see if his partner was all right. PO Edmonds took the motorist's identification and went to check on PO Pinard. PO Edmonds joined PO Pinard after he saw that § 87(2)(b) continued yelling and was still very upset. § 87(2)(b) was screaming at the top of his lungs as PO Edmonds walked towards § 87(2)(b). PO Edmonds was not on § 87(2)(b)'s property, but on the sidewalk in front of his property. § 87(2)(b) said that PO Edmonds was racist and arrogant. § 87(2)(b) put his fingers in PO Edmonds' face and was acting out of control. PO Edmonds thought he was going to get punched. PO Edmonds put one of § 87(2)(b)'s hands down and PO Pinard put his other hand down. As soon as the officers touched § 87(2)(b) he froze and stopped using his hands to make gestures. PO Edmonds then asked § 87(2)(b) for his license and § 87(2)(b) started backpedaling. PO Edmonds made the request again and § 87(2)(b) kept backpedaling. After making the request several times § 87(2)(b) provided PO Edmonds with his license. PO Edmonds called for a sergeant to respond to the scene because of § 87(2)(b)'s erratic behavior. After calling the sergeant, PO Edmonds decided to let the motorist go because of the escalation of the incident with § 87(2)(b). PO Edmonds walked over to the motorist and told her not to run through stop signs, but he did not issue her a summons. PO Edmonds then went and sat inside his RMP until the sergeant arrived.

Sgt. Giordano arrived on the scene and asked PO Edmonds what happened. Sgt. Giordano then went over to § 87(2)(b) and asked him about the incident. § 87(2)(b) was still screaming and making a scene. § 87(2)(b) said that PO Edmonds was worthless. Sgt. Giordano walked over to a group of 15 neighbors who had gathered during the incident. Sgt. Giordano spoke with a few of the neighbors. PO Pinard was in and out of the car while the sergeant on the scene. PO Edmonds did a warrant check for § 87(2)(b) and wrote him a summons. As soon as he was finished, PO Edmonds walked over to § 87(2)(b) and issued him the summons. When PO Edmonds left, the sergeant was still on the scene.

PO Edmonds had never seen § 87(2)(b) before this incident and has never blocked his driveway before. PO Edmonds stated that he never pushed § 87(2)(b). PO Edmonds stated that he did not yell at § 87(2)(b) or say much because he could hardly get a word in while § 87(2)(b) was yelling. PO Edmonds may have raised his voice only to be heard. PO Edmonds did not tell § 87(2)(b) to shut up but just told him to stand by his car. § 87(2)(b) did not push PO Edmonds. § 87(2)(b) was just as belligerent when the sergeant was on the scene. At some point in time another police vehicle swung by the scene to make sure everything was fine, but the sergeant was the only other officer on the scene.

#### **PO Randolff Pinard:**

PO Randolff Pinard was interviewed at the CCRB on September 23, 2004 (enc. 8F). PO Pinard § 87(2)(g) stated that on March 12, 2004 he was working a 3:00 PM by 11:35 PM tour in uniform with PO Michael Edmonds, assigned to response auto in RMP #1733. At approximately 6:34 PM, PO Pinard and PO Edmonds were conducting a car stop in front of § 87(2)(b). The driver, who was in a SUV, had failed to stop at the stop sign at the corner of the street. § 87(2)(b) exited his home and politely requested that the officers move their vehicle, which was blocking his driveway. PO Pinard informed § 87(2)(b) that he would have to wait a couple minutes, and once they finished acquiring the motorist's documents, they would move the vehicle.

§ 87(2)(b) then entered his vehicle to wait for the officers to move. After about three to four minutes, § 87(2)(b) began honking his horn and yelling at the officers. The officers obtained the documents from the motorists and began to walk back towards the RMP. At this point, § 87(2)(b) exited his vehicle and walked into the street near the driver's side of the RMP to speak to PO Edmonds. PO Pinard stated that up until this point, PO Edmonds had no idea what was going on with § 87(2)(b) as he was busy checking the driver's identification. § 87(2)(b) spoke loudly to PO Edmonds about how the police always block his driveway and how he has spoken to them about it many times.

PO Pinard explained what was going on to PO Edmonds, that § 87(2)(b) had requested that they move their vehicle and how PO Pinard told him that he would have to wait. PO Edmonds moved towards § 87(2)(b) and § 87(2)(b) kept moving back. § 87(2)(b) walked backwards towards the sidewalk by his fencing. PO Pinard stated that as § 87(2)(b) had begun to back up his vehicle earlier, the entrance from the sidewalk to the driveway was blocked. PO Edmonds continued to follow § 87(2)(b). PO Edmonds informed § 87(2)(b) to calm down and told him that he would move the RMP. § 87(2)(b) was angry and yelling about how he repeatedly has told the police not to park in front of his driveway. PO Pinard stated that he has never seen or interacted with § 87(2)(b) before and believes § 87(2)(b) was probably speaking of other officers.

§ 87(2)(b) was talking loudly, moving his hands, and "lunging." When asked to clarify his use of the word "lunge," PO Pinard stated that this is probably just how § 87(2)(b) speaks and expresses himself, with a lot of gesturing, but at the time it concerned the officers. PO Edmonds did not feel comfortable with the way § 87(2)(b) was moving his hands around and felt it was threatening. PO Edmonds and § 87(2)(b) were two to three feet apart. Telling him to put his hands down, PO Edmonds stepped forward to § 87(2)(b) and pushed his hands down. PO Edmonds did not have to grab or hold onto § 87(2)(b)'s arms; he merely pushed § 87(2)(b)'s hands down with his own.

§ 87(2)(b) yelled at PO Edmonds not to touch him and that he was being abused. In response to § 87(2)(b)'s shouting, five or six neighbors came out of their homes to see what was occurring. § 87(2)(b) continued to back up until he got to the fence, and PO Edmonds continued to walk after him.

keeping the distance about two to three feet apart. § 87(2)(b) backed all the way up to the fence until he could not go any further, and PO Edmonds stopped when he was a couple of feet away from § 87(2)(b).

PO Pinard states that after putting § 87(2)(b)'s hands down, PO Edmonds had no further physical contact with § 87(2)(b) even though § 87(2)(b) continued to use gestures. PO Pinard never had any physical contact with § 87(2)(b).

PO Edmonds radioed for a supervisor to respond to the scene while he was standing at the fence with § 87(2)(b). § 87(2)(b) did not re-enter his home at any point during the incident. PO Edmonds, PO Pinard, and § 87(2)(b) remained at the fence until the sergeant arrived approximately five minutes later. The officers did not speak further to § 87(2)(b) during this time; they merely waited.

Once Sgt. Giordano arrived, PO Edmonds explained the situation to him. Sgt. Giordano then attempted to speak with § 87(2)(b) but § 87(2)(b) continued to yell and called all of the officers present racists. PO Edmonds issued § 87(2)(b) a disorderly conduct summons after the sergeant arrived on the scene; however, PO Pinard cannot recall whether PO Edmonds asked for § 87(2)(b)'s identification before or after the sergeant's arrival. § 87(2)(b) complied with PO Edmonds's request.

PO Pinard did not speak with any of the bystanders; he does not recall if any of them attempted to speak to him. PO Edmonds completed a UF 250 because he touched § 87(2)(b). § 87(2)(b) was never patted down; PO Edmonds only touched him to put his hands down. PO Pinard did not see any suspicious object or bulge on § 87(2)(b) he stated that this was not a concern. PO Pinard stated that neither he nor his partner ever grabbed § 87(2)(b) or pushed him against the fencing.

The driver of the SUV was released without a summons by PO Edmonds while § 87(2)(b) was still honking his horn.

#### **Sgt. Christopher Giordano:**

§ 87(2)(g)  
§ 87(2)(b) Sgt. Giordano was interviewed at the CCRB on September 7, 2004 (enc. 9E). He stated that on March 12, 2004 he was working the 4:00 PM to 12:00 AM tour in uniform as Patrol Supervisor #3, assigned to RMP #2752 without an operator. At approximately 6:35 PM, Sgt. Giordano responded to a non-emergency call in the area of 225<sup>th</sup> Street and 135 Avenue.

Sgt. Giordano spoke with PO Edmonds to find out what happened. PO Edmonds informed the sergeant that he and PO Pinard had been conducting a car stop in front of § 87(2)(b)'s house. § 87(2)(b) began yelling and cursing at the officers, telling them to move their vehicle, which was blocking his driveway. PO Edmonds stated that the officers informed him that they would when they were finished with the stop and that he would have to wait a couple of minutes. Sgt. Giordano was unsure of the reason for car stop but believes it was possibly for running a stop sign. The officers called Sgt. Giordano to the scene because they wished to issue § 87(2)(b) a disorderly conduct summons. Sgt. Giordano does not remember if the stopped vehicle was still there when he arrived. He does not know whether the officers ever issued the driver a summons or if they let her leave without one when they began dealing with the situation.

When Sgt. Giordano arrived on the scene, § 87(2)(b) was standing on the sidewalk in front of his house, and the officers were back in their vehicle. Sgt. Giordano attempted to reason with § 87(2)(b) explaining that by conducting these car stops, the officers were keeping the streets safer for § 87(2)(b)'s children. § 87(2)(b) was very irate at this point and would not give the sergeant a chance to speak. He closely approached Sgt. Giordano (within a couple of feet) and gestured with his arms and hands while yelling. Sgt. Giordano asked § 87(2)(b) to move back numerous times, but he did not comply. § 87(2)(b) accused Sgt., Giordano, PO Edmonds, and PO Pinard of being racist. He said that the officers had been rude to him and pushed him. Sgt. Giordano asked § 87(2)(b) if he was injured, and § 87(2)(b) said no. Sgt. Giordano cannot recall if § 87(2)(b) specified which officer used force, and the sergeant did not ask the officers specifically about this allegation. He noted that a UF 250 was prepared but does not remember by whom. Sgt. Giordano said that if § 87(2)(b) was running up to the officers, they may have



stuck out their hands to stop him. However, he was not present at the time and does not know if that or any other physical interaction occurred.

There were about three or four neighbors standing outside during the incident. They remained about 10 feet away on the sidewalk, and Sgt. Giordano did not interact with them. The people were talking among themselves, but Sgt. Giordano does not remember what they were saying or to whom. Moreover, he does not recall any officers speaking to the bystanders or attempting to disperse them. § 87(2)(b)'s wife tried to speak with Sgt. Giordano, saying that her husband was not trying to be intimidating or threatening by yelling and moving his hands close to the officers' faces. She explained that this is just the way § 87(2)(b) speaks. Sgt. Giordano is unsure at what point Mrs. § 87(2)(b) arrived. Sgt. Giordano told the wife about the CCRB in case they wished to file a complaint. While his wife was speaking to the sergeant, § 87(2)(b) yelled and cursed at her, saying it would not do any good and, once again, calling the officers racist.

A disorderly conduct summons was issued, but Sgt. Giordano is unsure whether this was before or after his interaction with § 87(2)(b). Also, at some point a vehicle with two officers from Sector E stopped as they were driving past and told Sgt. Giordano that they have similar problems with § 87(2)(b) often. These officers did not stay at the scene.

Before Sgt. Giordano left, a Hispanic male § 87(2)(f) approached him. § 87(2)(f) he stated that he had been walking by and witnessed the incident. He told Sgt. Giordano that § 87(2)(b) was in the wrong. He denied any misconduct on the officers' part and stated that they did not touch § 87(2)(b). The man said that Sgt. Giordano was being polite to § 87(2)(b) but he was unable to talk with him.

#### Police Documents

The Sprint (encs. 11A – 11D) showed that § 87(2)(b) called to report that the police are blocking her neighbor's driveway and that they are arguing. At 6:28 PM according to § 87(2)(b) the argument ceased, but the RMP was still near the gate. At 6:29 PM 105SP4 requested an additional unit, and patrol supervisor #3 responded. The supervisor resumed patrol at 6:52 PM. At 6:53 PM, 105SP4 stated that a report was prepared but there was no arrest. At this time a stop and frisk report was also prepared, and a summons was issued. There was no Communications tape available.

There is no public record of the summons issued to § 87(2)(b) but he stated in his 50-H hearing § 87(2)(b)

The stop and frisk index lists § 87(2)(b) for March 15, 2004 (enc. 12B) though the incident occurred on March 12, 2004. The stop and frisk report is also dated incorrectly as March 13 (enc. 7F).

#### Subject Officer's CCRB History

PO Michael Edmonds has had no substantiated CCRB complaints (enc. 2A).

#### Complainant's CCRB History

This is § 87(2)(b)'s first CCRB complaint (enc. 2B).

#### Criminal Conviction History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Conclusions and Recommendations

### Undisputed Facts

On March 13, 2004 PO Edmonds and PO Pinard conducted a car stop in front of § 87(2)(b). During the stop, their RMP blocked § 87(2)(b)'s driveway. § 87(2)(b) who needed to pick up his children from school, requested that the officers move their vehicle. PO Pinard told § 87(2)(b) to wait. § 87(2)(b) became more agitated as he waited and demanded the officers move their vehicle. PO Edmonds spoke with § 87(2)(b) and § 87(2)(b) was moving his hands and gesturing. PO Edmonds had some physical contact with § 87(2)(b). Sgt. Giordano arrived on the scene and spoke with PO Edmonds and § 87(2)(b). § 87(2)(b) expressed his displeasure with the officers' behavior to the sergeant and claimed PO Edmonds used force on him. § 87(2)(b) was issued a disorderly conduct summons. Some neighbors had gathered outside to observe. At some point, § 87(2)(b)'s wife arrived and spoke with Sgt. Giordano.

### Credibility Assessment

§ 87(2)(g) Furthermore, Sgt. Giordano stated that § 87(2)(b) informed him when he responded to the scene that an officer had pushed him, and PO Pinard's memo book and statement reiterate that § 87(2)(b) complained from the beginning that PO Edmonds had used force against him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) Moreover, § 87(2)(b)'s mother, § 87(2)(b) called 911 during the incident, § 87(2)(g)

§ 87(2)(g) § 87(2)(b) claims that § 87(2)(b) remained outside during the entire incident while § 87(2)(b) recalls § 87(2)(b) going into the house a couple of times, once for the purpose of getting a camera. § 87(2)(b) did have photographs of the police blocking his driveway, and the incident happened almost five months prior to § 87(2)(b)'s and § 87(2)(b)'s interviews, § 87(2)(g)

§ 87(2)(g) PO Edmonds claims that he and PO Pinard each grabbed one of § 87(2)(b)'s arms to put them down. However, PO Pinard specifically states that only PO Edmonds put § 87(2)(b)'s arms down and that he never had any physical contact with § 87(2)(b) at all. Moreover, PO Edmonds listed a suspicious bulge/object on the stop and frisk report but neglected to mention that to the CCRB. PO Pinard denies seeing any such bulge and notes this was not a concern to the officers. Furthermore, PO Edmonds said that he had to request § 87(2)(b)'s identification multiple times whereas PO Pinard stated that § 87(2)(b) complied immediately.

§ 87(2)(g) Sgt. Giordano describes § 87(2)(b) as irate and accusatory, § 87(2)(g)

Allegation A: PO Michael Edmonds used physical force against § 87(2)(b)

§ 87(2)(b) alleges that PO Edmonds grabbed and pushed him against the fencing in front of his home. § 87(2)(g) However, PO Edmonds and PO Pinard attest that PO Edmonds merely put § 87(2)(b)'s hands down. Although PO Edmonds further claims that he only had one of § 87(2)(b)'s arms and PO Pinard had the other, § 87(2)(b) PO Pinard, § 87(2)(b) and § 87(2)(b) all describe PO Edmonds as the only officer to have physical contact with § 87(2)(b).

It is agreed upon by all that PO Edmonds in some degree put his hands on § 87(2)(b). While PO Edmonds and PO Pinard claimed that § 87(2)(b)'s behavior was threatening, PO Pinard continued to state that he believes § 87(2)(b) just uses a lot of gestures when he talks. Also, PO Edmonds and PO Pinard stated that PO Edmonds actually approached § 87(2)(b) when the physical interaction took place. § 87(2)(b) and PO Edmonds appear to have been 2 to 3 feet apart when § 87(2)(b) was moving his hands. Moreover, PO Pinard admits that his partner continued to pursue § 87(2)(b) who was backpedaling, until § 87(2)(b) was backed into the fence. § 87(2)(g)

§ 87(2)(g) patrol guide procedure 203-11 states, "Only that amount of force necessary to overcome resistance will be used." (enc. 1A) § 87(2)(g)

§ 87(2)(g)

Allegation B: PO Michael Edmonds issued § 87(2)(b) a summons.

PO Edmonds issued § 87(2)(b) a summons for disorderly conduct. § 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: